

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SONITHA SCALES, ALICIA THOMAS,
STEPHEN MCNUTT, JEFF PORTER, &
PAUL SIMONE, individually, and on behalf
of all other similarly situated individuals,

Plaintiffs,

v.

JAY MCGRAW; ERIC WELCH;
CREDITSERVE, INC.; MINTO FINANCIAL,
d/b/a MINTO MONEY; and JOHN DOES 1-
10,

Defendants.

Case No. 1:24-cv-11575

Judge: Hon. Manish S. Shah

**UNOPPOSED JOINT MOTION FOR AN EXTENSION
OF TIME FOR DEFENDANTS TO ANSWER, MOVE, OR OTHERWISE RESPOND TO
PLAINTIFFS' AMENDED COMPLAINT**

Defendants CreditServe Inc., Jay McGraw, Eric Welch, and Minto Financial d/b/a Minto Money (collectively, “Defendants”) hereby respectfully submit this unopposed joint motion for an extension of time for Defendants to answer, move, or otherwise respond to Plaintiffs’ Amended Complaint (*see* Dkt. 30, “Amended Complaint”) in this matter, to and including March 21, 2025, or to however long the Court deems just and appropriate, and in support state as follows:

1. Plaintiffs filed their original putative class action complaint in this matter on November 11, 2024, naming as defendants CreditServe, Inc. (“CreditServe”) as well as two individual defendants associated with CreditServe and represented by the undersigned counsel , Jay McGraw (“McGraw”) and Eric Welch (“Welch”), and another entity, Minto Financial d/b/a Minto Money (“Minto”), which is represented to by other counsel. *See generally* Dkt. 1.

2. CreditServe was purportedly served with process on November 13, 2024, which made its initial responsive pleading deadline December 4, 2024. *See* Dkt. 8.

3. McGraw and Welsh each waived service of process on November 21, 2024, making their respective initial responsive pleading deadlines on January 20, 2025. *See* Dkts. 9 and 10.

4. Minto also waived service of process on November 21, 2024, making its respective initial responsive pleading deadline on January 20, 2025.

5. On November 22, 2024, CreditServe filed an unopposed motion to extend its initial responsive pleading deadline to January 21, 2025, which was sought (among other reasons) so that CreditServe's deadline would correspond with the deadlines of the other Defendants and for the convenience of the parties and Court given the then-upcoming 2024-2025 holiday season, which was granted on November 25, 2024. *See* Dkt. 14.

6. On January 13, 2024, Minto filed a joint unopposed motion to extend all Defendants' initial responsive pleading deadlines to February 20, 2025, which was sought (among other reasons) so that the parties could engage in discussions regarding a possible extra-judicial resolution and for the sake of judicial and party economy so that all the Defendants would have the same responsive pleading deadline, which was granted on January 14, 2025. *See* Dkt. 22.

7. On January 15, 2025, Plaintiffs filed their Amended Complaint (*see* Dkt. 23), which added two new plaintiffs and additional claims to this action, and which was subsequently sealed and refiled in redacted form at the request of the parties (*see* Dkts. 25 and 30). In granting the request to seal, the Court ordered that Defendants' deadlines to answer, move, or otherwise respond to the re-filed Amended Complaint remained the same as previously ordered, *i.e.*, on February 20, 2025, which is the current pleading deadline for all Defendants. *See* Dkt. 28.

8. Since the previous extensions, the Defendants have engaged in good faith discussions with Plaintiffs regarding a potential extra-judicial resolution of their disputes in this matter. Those discussions have been productive, and are ongoing, but are not yet complete. So

that the parties can continue those discussions and see them through to their natural conclusion without incurring additional litigation expenses or burdening the Court or its resources, Defendants now seek, and Plaintiffs have agreed to, an additional extension of time for all Defendants to answer, move, or otherwise respond to the Amended Complaint, specifically to and including **March 21, 2025**, or to however long the Court deems just and appropriate.

9. On February 14, 2025, counsel for Defendants conferred with counsel for Plaintiffs, who agreed in writing to the foregoing extended deadline.

10. Defendants submit that granting an additional extension would be in the best interests of justice, consistent with principles of Fed. R. Civ. P. 1, and will promote efficiency and conserve judicial and party resources, as it would allow the Parties to continue to attempt to reach an extra-judicial resolution of their disputes without incurring unnecessary litigation expenses or burdening the Court or its resources. If those discussions are successful, such would resolve this case and obviate the need for Defendants to respond to the Amended Complaint altogether.

11. The foregoing extension request is not being made for the purpose of delay, and is made in good faith and for the purposes of efficiency and judicial and party economy. Since this matter is still in its early stages and Plaintiffs have indicated that they do not oppose, the requested extension will not result in any prejudice to anyone or impact the timely resolution of this case.

12. Thus, “good cause” exists for granting this extension for at least the reasons above.

13. In seeking the foregoing extension, Defendants do not waive, and expressly reserve, all defenses relating to the Amended Complaint, including jurisdictional defenses, any arbitral rights, and the right to move to dismiss or to compel arbitration, if/when appropriate.

WHEREFORE, for these reasons, Defendants respectfully request that this Court enter an order (i) granting Defendants an extension of time to answer, move, or otherwise respond to

Plaintiffs' Amended Complaint in this action (*see* Dkt. 30) to and including **March 21, 2025**, or to however long the Court deems just and appropriate; and (ii) granting all other relief the Court deems just and proper (including but not limited to moving the current corresponding joint status report deadline on February 24, 2025, *see* Dkt. 28). A proposed order is being submitted herewith.

Dated: February 17, 2025

Respectfully submitted,

By: /s/ A. Paul Heeringa

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CERTIFICATE OF SERVICE

I hereby certify that, on February 17, 2025, the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's electronic docket.

/s/ A. Paul Heeringa
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